

REMARKS

Summary of Office Action

Claims 39-107 were pending in the application. Claims 76-95 were withdrawn from consideration following a restriction/election.

Claims 39-75 and 96-107 have been rejected under 35 U.S.C. § 112 as being indefinite. The Examiner notes, for example, that the “adapted to” phrase used in the claims is indefinite and suggests use of positive recitations instead.

Claims 39-41, 44, 45, 47-52, 54-68 and 70-75 have been rejected under 35 U.S.C. 102(b) as anticipated by Dwyer et al. U.S. patent No. 5,209,413 (“Dwyer”). Claims 42, 46, 53 and 96-107 have been rejected under 35 U.S.C. 103(a) as being obvious from Dwyer in view of either Goossen U.S. Patent No. 5,573,190 (“Goossen”), Reyher et al. U.S. Patent No. 5,865,589 (“Reyher”), or Siebanga U.S. Patent No. 5,573,190 (“Siebanga”).

The Examiner finds allowable subject matter in claims 43 and 69, and indicates that they would be allowed if rewritten in suitable independent form.

Applicant’s Reply:

Applicant has amended claims 39, 48 and 96 to more clearly define the invention. Claims 41-43, 46, 52, 56-59, 62, 66, 67, 70, and 73 have been amended for clarity. Claims 44, 45, and 97-107 have been cancelled.

In the amended claims, applicant has replaced objected to wording, (e.g., the phrase “adapted to”) with the positive recitations suggested by the Examiner. Applicant

respectfully submits that the claims now are definite and meet all the requirements of 35 U.S.C. §112.

Applicant respectfully traverses the prior art rejections.

The Prior Art Rejections

Claim 39

Applicant's bale-handling apparatus, according to claim 39, includes a bale-receiving channel for receiving and discharging bales of hay. The channel is formed by opposed side walls and a bale support base. The opposed walls and the bale support base are configured so that bales of hay are both received and discharged through the same opening at one end of the channel. The bale displacement apparatus includes a displacement means for displacing the bale out of the opening through which the bale is received into the channel.

Applicant respectfully submits that the four cited references, whether taken individually or in combination, do not show the elements of claim 39.

First, Dwyer shows a shredding apparatus in which a bale is loaded at one end and then moved by conveyor chains (34 and 36) toward the opposite end. (See e.g. FIG. 1). At the opposite end, the bale is moved laterally on platform 88 toward shredding drums 92 and 94. The shredded bale of hay is discharged laterally. (See e.g., Col. 3, lines 45-53). Applicant notes that support platform 88 has a frame structure which includes a forward end 89, rearward end 91 and opposed sides 93 and 95. (See e.g., FIG. 5, and col. 3, lines 54-55). Applicant respectfully submits that the Examiner mistakenly identifies support platform 88 as a bale-receiving channel. Elements 89, 91, 93, and 95 make up support platform 88 above and over which bales of hay can

pass. (See e.g., FIG. 1) They do not form a bale-receiving channel in the manner of applicant's invention. In particular, Dwyer does not show, teach or suggest a bale-receiving channel which, according to claim 39, is formed by opposed sidewalls and a base. Further, Dwyer also does not show, teach or suggest a displacement means for displacing the bale out of the same opening through which the bale is received.

Second, Siebanga describes a bale-receiving platform and a feeder platform 15. The feeder platform can be tilted toward a shredder 13. (See e.g., FIG. 8 and FIG. 2). A bale of hay placed on the bale-receiving platform is moved by gravity onto the feeder platform. (See e.g., col. 7 lines 17-25). The feeder platform is tilted to force the bale of hay against the shredder 13, which discharges the shredded hay laterally. (See e.g., FIG. 2). Like Dwyer, Siebanga also fails to show, teach or suggest either a bale-receiving channel made from opposed side walls and base, or a displacement means for displacing the bale out of the same opening through which the bale is received.

Third, Reyher describes a bale feeder for breaking down large cylindrical bales of hay. A bale of hay 11 is placed on a traveling bed 12. Conveyor belts 69 move the bale of hay against shredder blades 56 at one end of the traveling bed 12. (See e.g., FIG. 1, Col. 5, lines 50 – col. 6, line 2). The shredded hay is discharged in the forward direction. Like Dwyer and Siebanga, Reyher also fails to show, teach or suggest either a bale-receiving channel made from opposed side walls and base, or a displacement means for displacing the bale out of the same opening through which the bale is received.

Fourth, Goossen like Reyher describes a bale shredder for shredding a large bale of forage. A bale 13 is placed on a carriage 14 and moved by a bale conveyor 26 into cutting rotors 22. (See e.g., col. 2 line 66 –col. 3 line 2, FIG. 1). The shredded forage is discharged in the forward direction. Applicant notes that Goossen describes bale shields 52 and 54 to contain the bales (see col. 4, lines 11-16). However, like the other three cited references, Goossen also fails to show, teach or suggest a displacement means for displacing the bale out of the same opening through which the bale is received.

Thus, claim 39 is patentable over the four cited references. Further, claim 40- 43, and 46-76 that depend from claim 39 are also patentable.

Claim 96

Another aspect of applicant's invention concerns the adjustable height at which the bale-handling apparatus can be operated. The inventive bale-handling apparatus can be lifted and operated at different heights, for example, over walls and fences, to discharge bales at correspondingly different heights. The bale-handling apparatus can be used to load from a stack of bales or conversely to create a stack of bales several layers high. (See e.g., FIG. 1)

Claim 96 (and dependent claim 48) addresses this aspect of applicant's invention. In particular, according to claim 96, the bale handling apparatus includes an attachment means by which the bale support surface can be lifted to predetermined heights for receiving and for discharging bales.

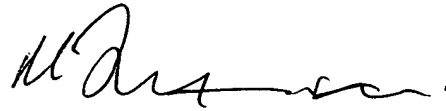
In contrast, all of the four cited references show only bale shredders that operate at a fixed height (e.g., on a truck or trailer) and discharge shredded hay to the ground level.

Applicant respectfully submits that none of the four cited references teach, show or suggest an attachment means by which the bale support surface can be lifted to predetermined heights for receiving and for discharging bales. Therefore, claim 96 is patentable.

Conclusion

In view of the above amendments and remarks, the pending claims are believed to be in condition for allowance.

Respectfully submitted,



Manu J. Tejawani
PTO Reg. No. 37,952
Attorney for Applicant
(212) 408-2614